

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION,

This Document Relates To:

THE DIRECT PURCHASER
PLAINTIFF ACTION

Case No. 0:18-cv-01776 (JRT-HB)

**DECLARATION OF BOBBY
POUYA IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF THE CLASS
ACTION SETTLEMENT
BETWEEN DIRECT
PURCHASER PLAINTIFFS AND
JBS**

I, Bobby Pouya, declare and state as follows:

1. I am a Partner of the law firm of Pearson, Simon & Warshaw, LLP. This Court has appointed me and my firm, together with Lockridge Grindal Nauen P.L.L.P, as Interim Co-Lead Counsel for Direct Purchaser Plaintiffs and the Direct Purchaser Plaintiff Class in this litigation (“Interim Co-Lead Counsel”).

2. I submit this Declaration in support of Plaintiffs’ Motion For Preliminary Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and defendant JBS.¹

3. On behalf of DPPs, other Interim Co-Lead Counsel and I personally conducted settlement negotiations with counsel for JBS over a period of many months on many occasions. As further set forth in the Bruckner Declaration and motion papers, these arm’s-length settlement negotiations were hard fought and required the assistance of an extremely experienced and qualified mediator, Professor Eric Green of Resolutions, LLC. Throughout the settlement negotiations the goal of Interim Co-Lead Counsel was to obtain the best recovery for the Settlement Class. In agreeing to the Settlement and recommending its approval Interim Co-Lead counsel have taken into account numerous factors, including the amount of payment, the timing of payment and stage of the litigation, potential conditions on payment, the effect of opt-outs on any settlement, and potential cooperation against other Defendants. There was no collusion or preferential treatment at any time

¹ Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreement (also referred to herein as “Settlement”), attached hereto as Exhibit A to the concurrently filed Declaration of W. Joseph Bruckner (“Bruckner Decl.”).

during these negotiations. Furthermore, there was no discussion or agreement at any time regarding the amount of attorneys' fees Interim Co-Lead Counsel would ask the Court to award in this case.

4. As demonstrated by the Motion of DPPs to Appoint Interim Co-Lead Class Counsel and supporting documents (ECF Nos. 94-105) and Order Granting DPPs' Motion (ECF No. 149), Interim Co-Lead Class Counsel and their attorneys are qualified, experienced, and thoroughly familiar with antitrust class action litigation. We have successfully litigated many significant antitrust actions, and have prosecuted and will continue to vigorously prosecute this lawsuit. We have diligently represented the interests of the Class throughout this litigation and will continue to do so in the future.

5. Since 2007 I have dedicated my career to working on complex litigation including antitrust and consumer class actions. During this time I have worked on dozens of class action lawsuits and numerous multidistrict antitrust lawsuits which have resulted in hundreds of millions of dollars in settlements and judgments on behalf of plaintiffs and class members. Some examples of cases in which I have taken a leadership role in my career include:

- *In re Polyurethane Foam Antitrust Litig.* (N.D. Ohio): I served on the executive committee on behalf of direct purchaser plaintiffs of this antitrust class action lawsuit alleging price fixing of polyurethane foam and polyurethane foam products by the largest manufacturers in the United States.

- *In re Fresh and Processed Potatoes Antitrust Litig.* (D. Idaho): I worked on the executive committee in this antitrust class action lawsuit alleging defendants exploited industry associations to implement coordinated supply restrictions in a manner that exceeded permissible agricultural cooperatives under the Capper-Volstead Act.
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.*, Case No. 14-cv-0608 (N.D. Cal): I represent minor league baseball players in this class action alleging that Major League Baseball and its member clubs violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime.
- *Higgins v. Paramount Pictures Corp. (and related cases)* (L.A. Sup. Ct.): I represent motion picture profit participants (*i.e.*, writers, actors, directors, and producers) in related class action lawsuits alleging several major motion picture studios have violated their contracts by failing to make profit participation payments based on all home video revenues generated by the motion pictures.

6. I am also currently serving as one of the lead attorneys representing direct purchaser plaintiffs in *In re Broiler Chicken Antitrust Litig.*, Case 1:16-cv-08637, N.D. Ill. (“*Broiler Chicken*”).

7. Based on my experience and the experience of the other experienced and qualified attorneys of Interim Co-Lead Class Counsel, the Settlement constituted a fair,

reasonable, and adequate result for the Settlement Class and should be approved by the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 1st day of December, 2020 at Los Angeles, California.

/s/Bobby Pouya

Bobby Pouya